

addiction to oil. I hoped that this would mean we could move forward to discuss real energy solutions, solutions that protect our national security, our citizens, and our environment, as I continue to believe that we can do all three. In fact, there are bipartisan bills out there to move our transportation sector to renewable sources of energy and sadly we spend our time talking about this issue, an issue that divides us. When are we going to move past this divisive debate to discuss real energy solutions for the 21st century?

If we do not stand against misuse of the legislative process, then every member of this esteemed body is at risk. Today, I cast a vote against abuse and in favor of the integrity of the Senate.

EXECUTIVE SESSION

NOMINATION OF JACK ZOUHARY TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session and proceed to consider the nomination of Jack Zouhary to be U.S. District Judge for the Northern District of Ohio, which the clerk will report.

The legislative clerk read the nomination of Jack Zouhary, of Ohio, to be United States District Judge for the Northern District of Ohio.

The PRESIDING OFFICER. Who yields time? The Senator from Vermont.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, today the Senate considers two more lifetime appointments to U.S. courts. These confirmations will bring the total number of judicial appointments since January 2001 to 234, including the confirmations of two Supreme Court Justices and 43 circuit court judges. Of course, 100 judges were confirmed during the 17 months when there was a Democratic majority in the Senate. In the other 45 months, 134 judges have been confirmed. Ironically, under Democratic leadership, the Senate was almost twice as productive as under Republican leadership.

It is most regrettable that this President has not fulfilled his promise to the American people to be a uniter. Nor has he fulfilled his pledge to complete his work in advance of vacancies and to make nominations promptly. Judicial vacancies have grown to more than 50 and the White House has failed to send nominees for more than half of those. Some of those vacancies have been sitting empty for more than a year. Over and over the White House has missed the deadline the President established for himself, and today, more than half of the judicial vacancies, 27, are without nominations. One-

third of those vacancies are already more than 180 days old, and one-third of the judicial emergency vacancies are without nominees.

If the White House would eliminate its partisan, political, and ideological litmus tests from the judicial nominations process and its emphasis on rewarding cronies and focus only on qualifications and consensus, the job of selecting nominees and our job of considering them for confirmation would be much easier.

Jack Zouhary, the nominee from Ohio, has the support of his Republican home State Senators, and Stephen G. Larson, the nominee from California, has the support of his Democratic home State Senators. They are the kind of qualified consensus nominees who are confirmed relatively easily.

Recently we have seen the President withdraw a circuit nomination after information became public about that nominee's rulings in a number of cases in which he appears to have had a conflict of interest. Those conflicts were pointed out not by the administration's screening process or by the ABA but by online journalists.

At a minimum that case and other recent revelations reinforce a point about this White House's poor vetting process for important nominations. A number of nominations by this President have had to be withdrawn. Among the more well known are Bernard Kerik to head Homeland Security, Harriet Miers to the Supreme Court, and Claude Allen to be a Fourth Circuit judge. It was, as I recall, reporting in a national magazine that doomed the Kerik nomination. It was opposition within the President's own party that doomed the Miers nomination. Democratic Senators resisted the nomination of Allen, a Virginian, because the President was seeking to appoint someone from another State to a Maryland seat on the Fourth Circuit. When we are considering lifetime appointments of judicial officers who are entrusted with protecting the rights of Americans, it is important to be thorough. Unfortunately, all too often this White House seems more interested in rewarding cronies.

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Mr. DEWINE. Mr. President, I rise today to speak in strong support of the nomination of Judge Jack Zouhary, whom the President has nominated to be United States District Court Judge for the Northern District of Ohio. Judge Zouhary currently is serving on the Lucas County Common Pleas Court. His service there has been outstanding and is an excellent indication of the type of judge he will be on the Federal bench.

I'd like to share with my Senate colleagues just a few of the numerous admirable qualities that make Judge Zouhary such an outstanding nominee. Both as a professional and as a person, he is exactly the sort of individual we want to be serving on the Federal bench.

Judge Zouhary grew up in Toledo. He is a first-generation American, whose parents immigrated from Lebanon to the United States and instilled in their son a respect for the values of education, religion, and community service. After graduating as the valedictorian of his high school, he attended Dartmouth College, where he received his undergraduate degree before returning to his hometown to earn his law degree from the University of Toledo College of Law. Judge Zouhary then embarked on what would become a long and accomplished legal career—a career with 30 years of legal experience that has given him the background and understanding of our legal system to successfully take on the role of a Federal judge.

He began his legal career with the law firm of Robison, Curphey & O'Connell, where he worked as an associate and then as a partner. During his 23 years there, he had a varied practice, representing individuals and businesses on a range of legal issues, with an emphasis on civil trial practice and corporate matters. In 2000, Judge Zouhary became the Senior Vice President and General Counsel for S.E. Johnson Companies, Inc., a large highway contractor and asphalt producer.

In 2004, Judge Zouhary accepted a position as "Of Counsel" with the law firm of Fuller & Henry. He remained with Fuller & Henry until 2005, when Ohio Governor Bob Taft appointed him to the Lucas County Common Pleas Court. In Ohio, the Common Pleas Court is the highest state trial bench and hears all major civil and criminal cases.

During his time as an attorney in private practice, Judge Zouhary distinguished himself as an excellent litigator and was honored by being selected as a member of the prestigious American College of Trial Lawyers. Membership in the American College of Trial Lawyers is by invitation only and is limited to the best of the trial bar.

Judge Zouhary has long been committed to the ideals of civility and professionalism in the legal field. Friends and colleagues often describe him as "a gentleman." I agree with that assessment. He is well regarded for his honesty, his integrity, and his intelligence, and those who have known and worked with him through the years speak warmly of his even-temper and cordial demeanor.

Not surprisingly, given his interest in preserving a less combative approach to the law, Judge Zouhary frequently has presented lectures focusing on legal ethics and civility in the practice of law for Continuing Legal Education Seminars. His commitment to serving the community as a professional also is exemplified by his membership in the Toledo Rotary Club, as well as his participation in a broad array of other charitable activities, ranging from pro bono work for a local church to service at a community soup kitchen.

Although he has been a Common Pleas judge for only a relatively short time, Judge Zouhary already has distinguished himself on the bench. He has worked diligently to clear a very large backlog of cases from his crowded docket and has made a good deal of headway in that effort. Most important, attorneys who have appeared before him—criminal and civil, prosecution and defense—speak in glowing terms of his talent, fairness, and excellent judicial temperament.

With Judge Zouhary's impressive record as a legal professional and community leader, it should come as no surprise that the American Bar Association was unanimous in giving him its highest rating of "well-qualified." Judge Zouhary is in every way an outstanding nominee, who will serve the people of Ohio and of this country well.

I strongly support the nomination of Judge Jack Zouhary as a Federal District Court Judge for the Northern District of Ohio.

Mr. LEAHY. Mr. President, I ask unanimous consent that the yeas and nays be vitiated on the nomination of Judge Stephen Larson so that it can be done by voice vote. I see the distinguished leaders on the Senate floor. I don't think there is any objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. That is my St. Patrick's Day gift to the body.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Jack Zouhary, of Ohio, to be U.S. District Judge for the Northern District of Ohio? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Oklahoma, (Mr. COBURN), the Senator from Mississippi, (Mr. COCHRAN), the Senator from Nevada, (Mr. ENSIGN), and the Senator from Oklahoma, (Mr. INHOFE).

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 75 Ex.]

YEAS—96

Akaka	Domenici	McConnell
Alexander	Dorgan	Menendez
Allard	Durbin	Mikulski
Allen	Enzi	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Frist	Nelson (NE)
Biden	Graham	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burns	Hutchison	Salazar
Burr	Inouye	Santorum
Byrd	Isakson	Sarbanes
Cantwell	Jeffords	Schumer
Carper	Johnson	Sessions
Chafee	Kennedy	Shelby
Chambliss	Kerry	Smith
Clinton	Kohl	Snowe
Coleman	Kyl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Stevens
Cornyn	Leahy	Sununu
Craig	Levin	Talent
Crapo	Lieberman	Thomas
Dayton	Lincoln	Thune
DeMint	Lott	Vitter
DeWine	Lugar	Voinovich
Dodd	Martinez	Warner
Dole	McCain	Wyden

NOT VOTING—4

Coburn
Cochran

Ensign
Inhofe

The nomination was confirmed.

NOTICE

*Incomplete record of Senate proceedings.
Today's Senate proceedings will be continued in Book II.*